

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN BILL THOMAS**, on February 12, 2003 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Thomas, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Mark Noennig, Vice Chairman (R)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Jent (D)
Rep. Penny Morgan (R)
Rep. Holly Raser (D)
Rep. Don Roberts (R)
Rep. Ron Stoker (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
CJ Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp for these minutes appears at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: HB 260, SB 164, 2/5/2003
Executive Action: HB 291-Tabled,
SB 164-Be Concurred In

HEARING ON HB 260

Sponsor: REP. DICK HAINES, HD 63, Missoula

Opening Statement by Sponsor:

REP. HAINES opened the hearing on HB 260 by stating that this is a bill that will be a costing-cutting measure for Medicaid funding. REP. HAINES requested that the Committee "pass" it out of committee for a full hearing by the entire House.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6}

Proponents' Testimony:

Dr. Michael Spence, State of Montana, Department of Public Health and Human Services, Chief Medical Officer, spoke in support of HB 260 and distributed copies of his written testimony.

EXHIBIT (huh31a01)

{Tape: 1; Side: A; Approx. Time Counter: 6 - 15.3}

Opponents' Testimony:

Dr. Douglas Karr, Billings Deaconess Clinic, rose in strong opposition of HB 260. In his testimony to the Committee, Dr. Karr compared dialysis and the ramifications of that service versus transplantation and its ramifications.

{Tape: 1; Side: A; Approx. Time Counter: 15.3 - 22.4}

Patti Feller, Fort Peck Tribal Dialysis Unit, Administrator, rose in strong opposition to HB 260 and distributed copies of her written testimony and Resolution #1359-2003-2 from the Fort Peck Tribal Executive Board in opposition to HB 260.

EXHIBIT (huh31a02)

{Tape: 1; Side: A; Approx. Time Counter: 22.4 - 30}

Dr. Leorah Ross, Great Falls Clinic, Nephrologist, rose in strong opposition to HB 260 and distributed her written testimony to the Committee Members. She also submitted testimony from the Kidney Transplant Program at Sacred Heart Medical Center, Spokane, Washington.

EXHIBIT (huh31a03)

EXHIBIT (huh31a04)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 11.3}

Mary Jo McCarthy, kidney transplant recipient, spoke in strong opposition to HB 260. Ms. McCarthy also informed the Committee that she is employed by the State of Montana as a reviewer of Medicaid claims.

{Tape: 1; Side: B; Approx. Time Counter: 11.3 - 16.4}

Nancy Pierce, St. Peter's Hospital, Dialysis Unit Supervisor, spoke in strong opposition to HB 260. Within her testimony, Ms. Pierce informed the Committee that if HB 260 is put into statute, the seven people waiting for a kidney transplant would not be able to receive a transplant. Ms. Pierce also gave statistics of the costs of dialysis versus transplantation costs.

{Tape: 1; Side: B; Approx. Time Counter: 16.4 - 19.6}

Informational Testimony:

Chris Tweeten, kidney transplant recipient, rose in strong opposition to HB 260 and related to the Committee his own personal story. He also spoke of the financial resources and insurance information he was required to provide to the transplant hospital prior to receiving his transplant; he had to demonstrate that he could pay.

{Tape: 1; Side: B; Approx. Time Counter: 19.6 - 28}

June Hermanson, cornea transplant recipient, spoke to the Committee in opposition to HB 260 and also of her own story regarding transplantation.

{Tape: 1; Side: B; Approx. Time Counter: 28 - 30}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 2.5}

Questions from Committee Members and Responses:

REP. WINDY-BOY directly asked Ms. Feller, Dr. Ross and Dr. Spence about the number of patients from Browning and Rocky Boy that are on dialysis and the transporting of Native-American patients to North Dakota for services. **REPS. NOENNIG, FACEY, GALLUS, MORGAN, ROBERTS, HAWK,** and **HURWITZ** extensively questioned the sponsor, Dr. Spence, Dr. Ross, and Jeff Buska, State of Montana, Department of Health and Human Services. Among some of the questions asked were: the ethical question as it relates to

paying for some transplants and not all transplants; the ethical question of, literally, life or death; and then who makes these decisions.

The cost of dialysis versus the cost of transplantation was discussed, along with the time frame of when Medicaid "steps in" for funding, the possibility of offering funding for all transplants, and the comparison of costs between Canada and Montana for dialysis and transplantation.

{Tape: 2; Side: A; Approx. Time Counter: 2.5 - 30}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 16.5}

Closing by Sponsor:

REP. HAINES closed the hearing on HB 260 by again requested the Committee vote "do pass" so that the entire House body could give this bill a full debate.

{Tape: 2; Side: B; Approx. Time Counter: 16.5 - 25.8}

HEARING ON SB 164

Sponsor: SEN. JEFF MANGAN, SD 23, Great Falls

Opening Statement by Sponsor:

SEN. MANGAN opened the hearing on SB 164 by stating that this bill is a "clarification" bill via the Youth Justice Council. He spoke of the ten shelter care facilities within Montana, and of the shelter in Helena where the younger residents are in the lower part of the residence, with more serious youths in the upstairs.

{Tape: 2; Side: B; Approx. Time Counter: 25.8 - 30}

Proponents' Testimony:

Steve Nelsen, Youth Justice Council, spoke in support of SB 164 and informed the Committee that this is a "housecleaning" bill.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 2.4}

Audrey Allums, Board of Crime Control, spoke in support of SB 164. She also spoke of the ten facilities in Montana and the restrictions that are now in place.

{Tape: 3; Side: A; Approx. Time Counter: 2.4 - 4.9}

Opponents' Testimony: None

Informational Witnesses: None

Questions from Committee Members and Responses:

REPS. NOENNIG, FACEY, and HURWITZ questioned the sponsor and Ms. Allums briefly about the staff's security when on duty and if there could be language to address that issue.

{Tape: 3; Side: A; Approx. Time Counter: 4.9 - 8.3}

Closing by Sponsor:

SEN. MANGAN closed the hearing on SB 164.

{Tape: 3; Side: A; Approx. Time Counter: 8.3 - 10.2}

EXECUTIVE ACTION ON SB 164

Motion/Vote: REP. MORGAN moved that SB 164 BE CONCURRED IN.
Motion carried unanimously. (voice vote)

{Tape: 3; Side: A; Approx. Time Counter: 10.2 - 13.1}

EXECUTIVE ACTION ON HB 291

Motion/Vote: REP. FACEY moved that HB 291 BE TABLED. Motion carried unanimously. (voice vote)

{Tape: 3; Side: A; Approx. Time Counter: 13.1 - 14.2}

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. BILL THOMAS, Chairman

CJ JOHNSON, Secretary

BT/CJ

EXHIBIT (huh31aad)